



Galileo Pharmaceuticals, Inc.
5301 Patrick Henry Drive
Santa Clara, CA 95054
Tel 408.654.5830
Fax 408.654.5831
www.galileopharma.com

RECEIVED
CENTRAL FAX CENTER

SEP 20 2005

Facsimile Transmission

Date: 20 September, 2005
To: Commissioner for Patents
571.273.8300
From: Heather Mocabee
Tel 408.654.5830
Fax 408.654.5831

6 Pages

The information in this facsimile should be treated as confidential and is intended only for the use of the addressee specified above. It should be safeguarded from disclosure to others. If the reader is not the intended recipient, you are hereby notified that retention, verbal disclosure, copying, or otherwise disseminating this information is strictly forbidden by federal, state and local law. If you receive this fax in error, please notify the sender and return all copies to the address above.

RECEIVED ; 408 654 5831
CENTRAL FAX CENTER

2 / 6

SEP 20 2005

PATENTS
0119-CIP

CERTIFICATE OF FACSIMILE TRANSMITTAL

6 Pages Total

I hereby certify that this paper is being transmitted via facsimile to (571) 273-8300 on September 20, 2005.

Name of Person Mailing: Heather Mocabee

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors: Boddupalli et al.

Serial No: 10/667,280

: Group Art Unit: 1626

Filed: 09/17/2003

: Examiner: Deborah C. Lambkin

For: Benzofuran Derivatives

COMMISSIONER OF PATENTS

P.O. Box 1450

Alexandria, Va. 22313-1450

Sir:

RESPONSE TO DOUBLE PATENTING REJECTION

Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,653,346. Although the conflicting claims are not identical, they are not patentably distinct from each other because they cross embrace the same subject matter wherein R' and R7-R10 corresponds to R and R1-R5.

Applicants note that except for the double patenting rejection made in the Office Action dated September 15, 2005, all pending claims appear to be in condition for allowance and Applicants therefore submit a terminal disclaimer, in compliance with 37 CFR 1.321(c), concurrently herewith in order to obviate the double patenting rejection.

Response to Double Patenting Rejection

PATENTS
0119-CIP

Applicants respectfully request entry of the accompanying terminal disclaimer. Applicants believe that the present application is now in condition for allowance and favorable reconsideration of the application is respectfully requested.

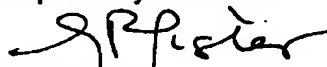
Deposit Account Authorization

The required fee is calculated below:

Statutory Disclaimer Fee
under 1.20(d).....\$65.00

[X] Please charge \$65.00 to Deposit Account No. 50-2247 and charge any additional fees that may be required, or credit any overpayment to Account No. 50-2247. This is not, however, an authorization to pay the issue fee.

Respectfully submitted



Gloria Pfister
Agent for Applicants
Registration No. 45,642

Galileo Pharmaceuticals, Inc.
5301 Patrick Henry Dr.
Santa Clara, California 95054
(408) 654-5830 x 237
Date: September 20, 2005

RECEIVED
CENTRAL FAX CENTER

; 408 654 5831

4 / 6

SEP 20 2005

PATENTS
0119-CIP

CERTIFICATE OF FACSIMILE TRANSMITTAL

6 Pages Total

I hereby certify that this paper is being transmitted via facsimile to (571) 273-8300 on September 20, 2005.

Name of Person Mailing: Heather Mocabee

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventors: Boddupalli et al.

Serial No: 10/667,280

: Group Art Unit: 1626

Filed: 09/17/2003

: Examiner: Deborah C. Lambkin

For: Benzofuran Derivatives

COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, Va. 22313-1450

Sir:

RESPONSE TO DOUBLE PATENTING REJECTION

Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,653,346. Although the conflicting claims are not identical, they are not patentably distinct from each other because they cross embrace the same subject matter wherein R' and R7-R10 corresponds to R and R1-R5.

Applicants note that except for the double patenting rejection made in the Office Action dated September 15, 2005, all pending claims appear to be in condition for allowance and Applicants therefore submit a terminal disclaimer, in compliance with 37 CFR 1.321(c), concurrently herewith in order to obviate the double patenting rejection.

Response to Double Patenting Rejection

PATENTS
0119-CIP

Applicants respectfully request entry of the accompanying terminal disclaimer. Applicants believe that the present application is now in condition for allowance and favorable reconsideration of the application is respectfully requested.

Deposit Account Authorization

The required fee is calculated below:

Statutory Disclaimer Fee
under 1.20(d).....\$65.00

[X] Please charge \$65.00 to Deposit Account No. 50-2247 and charge any additional fees that may be required, or credit any overpayment to Account No. 50-2247. This is not, however, an authorization to pay the issue fee.

Respectfully submitted


Gloria Pfister
Agent for Applicants
Registration No. 45,642

Galileo Pharmaceuticals, Inc.
5301 Patrick Henry Dr.
Santa Clara, California 95054
(408) 654-5830 x 237
Date: September 20, 2005